

JOSEPH R. LA PORTA

JULY 4 (legislative day, JUNE 27), 1952.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2358]

The Committee on the Judiciary, to which was referred the bill (H. R. 2358) for the relief of Joseph R. La Porta, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of this bill is to authorize the Bureau of Employees' Compensation of the United States Department of Labor, pursuant to the administration of the benefits provided for under the head "Civilian war benefits" in the Federal Security Agency Appropriation Act, 1947, to receive, consider, and adjudicate a claim from Joseph R. La Porta for compensation for disability sustained by him on or about August 26, 1944, as a result of a plane crash.

STATEMENT

Joseph R. La Porta sustained severe injuries on August 26, 1944, during a flight while he was a cadet of the Civil Air Patrol pursuant to a special program offered by the Air Force to cadets of the patrol.

Members of the Civil Air Patrol who sustained injury in the performance of their duties were eligible for benefits under the civilian war benefits program with respect to injuries incurred prior to April 20, 1945. The claim must have been filed on or before June 30, 1945, as the rules and regulations governing the administration of this program prohibit the consideration of claims not filed on or before that date.

The records of the Bureau do not show that Mr. La Porta, prior to June 30, 1945, filed a claim for medical treatment or compensation with the Bureau for the injuries sustained by him on August 26, 1944.

The Bureau is therefore without authority of law to grant any benefits to him under the civilian-war-benefits program on account of his injuries.

Mr. La Porta did, however, file a timely claim with the Veterans' Administration. It took that agency 7 months to inform the claimant that he was not considered a veteran and hence he was not covered by the provisions of the law under which the Veterans' Administration operates. Due to this 7-month delay in informing Mr. La Porta that he could expect no benefits from the Veterans' Administration, any rights which Mr. La Porta might have under the head "Civilian war benefits" in the Federal Security Agency Appropriation Act of 1947 had expired due to the statute of limitations.

It has been the policy of this committee to refuse to waive a statute of limitations or extend the time for filing a claim except for good cause shown. Prior to the receipt of the claimant's letter dated February 11, 1952, the committee had indefinitely postponed this claim because the claimant had failed to show good cause.

Mr. Joseph La Porta's letter of February 11, 1952, however, stated that he had filed his claim timely with the Veterans' Administration. The mistake of the claimant which was aggravated by the Veterans' Administration's failure to act for 7 months, is in the opinion of the committee sufficient good cause to waive the statute of limitations. Consequently the committee recommends that this bill, H. R. 2358, be considered favorably.

The Department of Labor's report, dated August 4, 1950, opposes the enactment of this bill. The report of the Department of Labor together with the letter of Mr. La Porta in support of his claim are set forth in House Report No. 970, which accompanies H. R. 2385, Eighty-second Congress, first session. The letter of Mr. La Porta, dated February 11, 1952, is set forth in full below.

NEW YORK, February 11, 1952.

HON. LEONARD W. HALL,
Congress of the United States,
House of Representatives, Washington, D. C.

DEAR MR. HALL: My gratitude to you is sincere and I thank you for your letter of February 5, 1952, informing me of the status of the bill H. R. 2358 in my behalf.

It is apparent that in viewing the data and many documents sent to both Congress and the Senate, the reviewers overlooked the facts now in question.

I refer to letters sent both to you and Senator Lehman by Mrs. Helen J. Brinkmann of the Men's League in Aid of Crippled Children, Inc., under date of March 7, 1950. With these letters we enclosed copies of my rebuttal, dated March 1, 1950, which refuted, corrected, and supplemented with documentary verification certain statements in Gen. E. M. Brannon's letter of February 15, 1950, addressed to you. If you still have on file this letter of rebuttal, will you kindly turn to page 3 caption "Page 3, paragraph 4, last sentence." Here General Brannon's letter states and continue to read through pages 4 and 5 in their entirety. These clearly state and indicate why I did not and could not file my application with the Bureau of Employees' Compensation.

Was it not reasonable to assume that since I received an honorable discharge from the United States Army Air Force that as a veteran I should file application with the Veterans' Administration? In this I was guided and directed by the Red Cross.

Having filed the proper forms with authenticating facts, I awaited the Veterans' Administration's decision. It took 7 months for the Veterans' Administration to reject my application.

At no time prior to the expiration period (June 30, 1945) for filing application with the Bureau of Employees' Compensation, did the Army Air Force, the Civilian Air Patrol or, for that matter, any other agency or individual, within or

without the Government, advise me that I would not be eligible for veteran's benefit or aid as a veteran in the eyes of the Veterans' Administration.

Neither was I informed of the civilian war benefits program administered by the Bureau of Employees' Compensation covering Civilian Air Patrol personnel, or of the expiration date June 30, 1945, of this program. Had these facts been known to me, I can assure you—

1. I would have made application directly to the Bureau of Employees' Compensation rather than the Veterans' Administration.

2. I would have had 10 months between the date of accident and expiration date of the Bureau program in which to file my application.

On November 26, 1946, when I did apply to the Bureau for benefits under this program, I received statements from both the New York and Washington representatives negating my desire to file said application. I have in my possession letters from Mrs. Lillian Poses, regional attorney for the Federal Security Agency, dated December 3, 1946, and December 11, 1946, and from C. R. Middleton, Chief of Section, Bureau of Employees' Compensation, Federal Security Agency, dated May 2, 1947.

These letters which I quoted in my rebuttal clearly indicate that the Bureau would not waive the date of expiration in my favor and stated clearly that it would be useless for me to file claim with that office.

I believe that I have covered the facts in question and hope that you can successfully interest the Senate Committee on the Judiciary.

There is little that I can add other than to say that during the past 7 years I have exhausted every conceivable source where I might finally receive some benefit and aid as well as recognition of a veteran:

Again my wholehearted thanks to you for your efforts in my behalf:

Sincerely yours,

JOSEPH Z. LA PORTA:

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